



## Final Regulation Agency Background Document

<b>Agency name</b>	Board for Barbers and Cosmetology
<b>Virginia Administrative Code (VAC) citation</b>	18 VAC 41-70
<b>Regulation title</b>	Esthetics Regulations
<b>Action title</b>	Promulgation
<b>Date this document prepared</b>	April 13, 2007

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.*

The regulation establishes licensing requirements for the practice of esthetics in accordance with Chapter 829 of the 2005 Acts of the Assembly. The regulations include (i) definitions of words and terms relative to the practice of providing esthetics services; (ii) general requirements for obtaining a license to provide services as an esthetician or master esthetician; (iii) general requirements for obtaining a temporary permit to provide services as an esthetician temporary permit holder; (iv) general requirements for obtaining a license to operate an esthetics school; (v) general requirements for obtaining certification to provide esthetics instructional services as an esthetics instructor or a master esthetics instructor; (vi) general requirements for obtaining a license to operate an esthetics spa; (vii) fees for initial, renewal, and reinstatement applications for esthetician, master esthetician, esthetics school, esthetics instructor, master esthetics instructor, and esthetics spa; (viii) sanitation and safety standards for spas that address disinfection and storage of implements, sanitation of equipment and safety standards.

Changes made since the proposed include: (i) clarifying the Board's authority to maintain discretion in determining the license requirements; (ii) clarifying that an applicant must complete the examination requirement as determined by the Board; (iii) amending the training qualifications to be in accordance

with § 54.1-701 of the Code of Virginia; and (iv) clarifying that the focus of the instruction is the technology of esthetic services.

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

On February 5, 2007, the Board for Barbers and Cosmetology adopted final regulations, 18 VAC 41-70-10 et seq., Esthetics Regulations, to implement requirements of Chapter 829 of the 2005 Acts of the Assembly.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

The regulatory action to promulgate regulations governing the licensure and practice of esthetics under the Board for Barbers and Cosmetology is mandated by Chapter 829 of the 2005 Acts of the Assembly.

<http://leg1.state.va.us/cgi-bin/legp504.exe?051+ful+CHAP0829>

Regulations are promulgated under the general authority of Chapter 2 of Title 54.1 of the Code of Virginia. Section 54.1-201(5) provides the Board the authority to promulgate regulations to administer the regulatory system.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-201>

While the Board is mandated to establish regulations, the content of the regulations is at the discretion of the Board.

#### CHAPTER 829

*An Act to amend and reenact §§ [54.1-700](#) through [54.1-703](#) and [54.1-704.1](#) through [54.1-706](#) of the Code of Virginia and to amend the Code of Virginia by adding a section numbered [54.1-703.3](#), relating to the Department of Professional and Occupational Regulation; Board for Barbers and Cosmetology; regulation of estheticians.*

[H 2510]

Approved March 26, 2005

Be it enacted by the General Assembly of Virginia:

1. That §§ [54.1-700](#) through [54.1-703](#) and [54.1-704.1](#) through [54.1-706](#) of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered [54.1-703.3](#) as follows:

§ 54.1-700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Barber" means any person who shaves, shapes or trims the beard; cuts, singes, shampoos or dyes the hair or applies lotions thereto; applies, treats or massages the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays or other preparations in connection with shaving, cutting or trimming the hair or beard, and practices barbering for compensation and when such services are not performed for the treatment of disease.

"Barbering" means any one or any combination of the following acts, when done on the human body for compensation and not for the treatment of disease, shaving, shaping and trimming the beard; cutting, singeing, shampooing or dyeing the hair or applying lotions thereto; applications, treatment or massages of the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays, or other preparations in connection with shaving, cutting or trimming the hair or a beard. The term "barbering" shall not apply to the acts described hereinabove when performed by any person in his home if such service is not offered to the public.

"Barber instructor" means any person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of barbering.

"Barbershop" means any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

"Board" means the Board for Barbers and Cosmetology.

"Body-piercer" means any person who for remuneration penetrates the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing" means the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing salon" means any place in which a fee is charged for the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing school" means a place or establishment licensed by the Board to accept and train students in body-piercing.

"Braiding salon" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein hair braiding is offered or practiced on a regular basis for compensation.

"Braiding school" means a place or establishment licensed by the Board to accept and train students and which offers a hair braiding curriculum approved by the Board.

"Cosmetologist" means any person who administers cosmetic treatments; manicures or pedicures the nails of any person; arranges, braids, dresses, curls, waves, cleanses, cuts, shapes, singes, waxes, tweezes, shaves, bleaches, colors, relaxes, straightens, or performs similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances unless such acts as adjusting, combing, or brushing prestyled wigs or hairpieces do not alter the prestyled nature of the wig or hairpiece, and practices cosmetology for compensation.

"Cosmetology" includes, but is not limited to, the following practices: administering cosmetic treatments; manicuring or pedicuring the nails of any person; arranging, braiding, dressing, curling, waving,

cleansing, cutting, shaping, singeing, waxing, tweezing, shaving, bleaching, coloring, relaxing, straightening, or similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances, but shall not include such acts as adjusting, combing, or brushing prestyled wigs or hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece.

"Cosmetology instructor" means a person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of cosmetology.

"Cosmetology salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein cosmetology is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

*"Esthetician" means a person who engages in the practice of esthetics for compensation.*

*"Esthetics" includes, but is not limited to, the following practices of administering cosmetic treatments to enhance or improve the appearance of the skin: cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating, or performing any other similar procedure on the skin of the human body or scalp by means of cosmetic preparations, treatments, any nonlaser device, electrical, mechanical, or manual, for care of the skin; applying make-up or eyelashes to any person, tinting or perming eyelashes and eyebrows, and lightening hair on the body except the scalp; and removing unwanted hair from the body of any person by the use of tweezing, chemical, or mechanical means. However, "esthetics" is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic. The terms "healing arts," "practice of medicine," "practice of osteopathic medicine," and "practice of chiropractic" shall mean the same as those terms are defined in § [54.1-2900](#).*

*"Esthetics instructor" means a licensed esthetician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of esthetics.*

*"Esthetics spa" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein esthetics is offered or practiced on a regular basis for compensation under regulations of the Board.*

"Hair braider" means a person who engages in the practice of hair braiding on a regular basis for compensation.

"Hair braiding" means the braiding, twisting, wrapping, weaving, extending, or locking of natural human hair by hand or mechanical device, provided that the service does not include hair cutting or the application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair.

*"Master esthetician" means a licensed esthetician who, in addition to the practice of esthetics, offers to the public for compensation, without the use of laser technology, lymphatic drainage, chemical exfoliation, or microdermabrasion, and who has met such additional requirements as determined by the Board to practice lymphatic drainage, chemical exfoliation with products other than Schedules II through VI controlled substances as defined in the Drug Control Act (§ [54.1-3400 et seq.](#)), and microdermabrasion of the epidermis.*

"Nail care" means manicuring or pedicuring natural nails or performing artificial nail services.

"Nail salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein nail care is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Nail school" means a place or establishment licensed by the board to accept and train students in nail care.

"Nail technician" means any person who for compensation manicures or pedicures natural nails, or who performs artificial nail services for compensation, or any combination thereof.

"Nail technician instructor" means a licensed nail technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of nail care.

"Physical (wax) depilatory" means the wax depilatory product or substance used to remove superfluous hair.

"School of cosmetology" means a place or establishment licensed by the Board to accept and train students and which offers a cosmetology curriculum approved by the Board.

*"School of esthetics" means a place or establishment licensed by the Board to accept and train students and which offers an esthetics curriculum approved by the Board.*

"Tattoo parlor" means any place in which tattooing is offered or practiced.

"Tattoo school" means a place or establishment licensed by the Board to accept and train students in tattooing.

"Tattooer" means any person who for remuneration practices tattooing.

"Tattooing" means the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

"Wax technician" means any person licensed by the Board who removes hair from the hair follicle using a physical (wax) depilatory or by tweezing.

"Wax technician instructor" means a licensed wax technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of waxing.

"Waxing" means the temporary removal of superfluous hair from the hair follicle on any area of the human body through the use of a physical (wax) depilatory or by tweezing.

"Waxing salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein waxing is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Waxing school" means a place or establishment licensed by the Board to accept and train students in waxing.

§ [54.1-701](#). Exemptions.

The provisions of this chapter shall not apply to:

1. Persons authorized by the laws of the Commonwealth to practice medicine and surgery or osteopathy or chiropractic;
2. Registered nurses licensed to practice in the Commonwealth;
3. Persons employed in state or local penal or correctional institutions, rehabilitation centers, sanatoria, or institutions for care and treatment of the mentally ill or mentally deficient or for care and treatment of geriatric patients, as barbers, cosmetologists, wax technicians, nail technicians, hair braiders, *estheticians*, barber instructors, cosmetology instructors, wax technician instructors, ~~or~~ nail technician instructors, *or esthetics instructors* who practice only on inmates of or patients in such sanatoria or institutions;
4. Persons licensed as funeral directors or embalmers in the Commonwealth;
5. Gratuitous services as a barber, nail technician, cosmetologist, wax technician, hair braider, tattooer, ~~or~~ body-piercer, *or esthetician*;
6. Students enrolled in an approved school taking a course in barbering, nail care, cosmetology, waxing, hair braiding, tattooing, ~~or~~ body-piercing, *or esthetics*;
7. Persons working in a cosmetology salon whose duties are expressly confined to hair braiding or the shampooing and cleansing of human hair under the direct supervision of a cosmetologist or barber;
8. Apprentices serving in a barbershop, nail salon, waxing salon, cosmetology salon, ~~or~~ hair braiding salon, *or esthetics spa* licensed by the Board in accordance with the Board's regulations; ~~and~~
9. Schools of barbering, nail care, waxing, cosmetology, or hair braiding in public schools; *and*
10. *Persons whose activities are confined solely to applying make-up, including such activities that are ancillary to applying make-up.*

§ 54.1-702. Board for Barbers and Cosmetology; membership; officers; quorum.

A. The Board for Barbers and Cosmetology shall be composed of ~~eight~~ 10 members, ~~of whom~~ *as follows*: two members shall be licensed barbers, one of whom may be an owner or operator of a barber school; two members shall be licensed cosmetologists, at least one of whom shall be a salon owner and one of whom may be an owner or operator of a cosmetology school; ~~and~~ one member shall be a licensed nail technician or a licensed cosmetologist engaged primarily in the practice of nail care, each of whom shall have been licensed in their respective professions for at least three years immediately prior to appointment; one member ~~who~~ shall be either a licensed tattooer or a licensed body-piercer; *two members shall be licensed estheticians, at least one of whom shall be an esthetics salon owner and one of whom may be an owner, operator, or designated representative of a licensed esthetics school*; and two citizen members. The terms of Board members shall be four years. No member shall serve for more than two full successive terms. The Board shall elect a chairman and a ~~vice chairman~~ *vice chairman*. A majority of the Board shall constitute a quorum.

B. *The Governor shall appoint to the Board two estheticians who have practiced as an esthetician for at least five consecutive years immediately prior to appointment, effective July 1, 2005. The esthetician members shall not vote on any matters before the Board, except matters related to esthetics, until July 1, 2007.*

*Of the esthetician members initially appointed to the Board, one shall be appointed for a term of two years. Thereafter, all such appointments shall be for terms of four years, except that appointment to fill vacancies shall be for the unexpired terms.*

§ [54.1-703](#). License required.

No person shall offer to engage in or engage in barbering, cosmetology, nail care, waxing, hair braiding, tattooing, ~~or~~ body-piercing, *or esthetics* without a valid license issued by the Board, except as provided in § [54.1-701](#).

§ [54.1-703.3](#). Waiver of examination; estheticians.

*The Board shall waive the examination requirements for licensure as an esthetician or master esthetician for any individual who (i) makes application for licensure between July 1, 2007, and July 1, 2008; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:*

- 1. Has at least three years of documented work experience as an esthetician or a master esthetician that is deemed satisfactory by the Board;*
- 2. Has completed a training program that is deemed satisfactory by the Board; or*
- 3. Holds an unexpired certificate of registration, certification, or license as an esthetician or a master esthetician issued to him on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States, or the District of Columbia.*

§ [54.1-704.1](#). License required for barbershop, cosmetology salon, nail care salon, waxing salon, hair braiding salon, tattoo parlor, body-piercing salon, and esthetics spa.

No individual or entity shall operate a barbershop, cosmetology salon, nail care salon, waxing salon, hair braiding salon, tattoo parlor, ~~or~~ body-piercing salon, *or esthetics spa* without a valid license issued by the Board.

The provisions of this section shall not apply to a licensed barber, cosmetologist, nail technician, waxing technician, tattooer, ~~or~~ body-piercer, *or esthetician* who does not have an ownership interest in a licensed barbershop, cosmetology salon, nail care salon, waxing salon, hair braiding salon, tattoo parlor, ~~or~~ body-piercing salon, *or esthetics spa* in which he is employed.

§ [54.1-704.2](#). License required for schools of barbering, cosmetology, nail care, waxing, hair braiding, tattooing, body-piercing, or esthetics.

Except as provided in § [54.1-701](#), no person, firm or corporation shall operate or attempt to operate a school of barbering, cosmetology, nail care, waxing, hair braiding, tattooing, ~~or~~ body-piercing, *or esthetics* unless licensed by the Board pursuant to its regulations.

§ [54.1-705](#). Inspections.

A. Inspectors and sanitarians of the State Department of Health, or an affiliated local health department, may inspect each barbershop, cosmetology salon, waxing salon, nail care salon, hair braiding salon, tattoo parlor, ~~and~~ body-piercing salon, *and esthetics spa* in the Commonwealth regularly. Any infractions shall be immediately reported to the Health Department and the Director of the Department of Professional and Occupational Regulation for disciplinary action.

B. The Board may inspect barbershops, barber schools, cosmetology salons and schools, waxing salons and schools, nail care salons and schools, hair braiding salons and schools, tattoo parlors and schools, ~~and~~ body-piercing salons and schools, *and esthetics spas and schools* for compliance with regulations promulgated by the Board.

C. The Board shall specify procedures for enforcement of compliance with the disease control and disclosure requirements of § [18.2-371.3](#), including unannounced inspections by appropriate personnel.

D. The Board or the Virginia Department of Health, or an affiliated local health department, may regulate the sanitary condition of the personnel, equipment and premises of tattoo parlors and body-piercing salons.

§ [54.1-706](#). Different requirements for licensure.

The Board shall have the discretion to impose different requirements for licensure for the practice of barbering, cosmetology, nail care, waxing, hair braiding, tattooing, ~~and~~ body-piercing, *and esthetics*.

2. That the provisions of this act shall become effective on July 1, 2007, except that § [54.1-702](#) of this act shall become effective on July 1, 2005.

3. That the Board for Barbers and Cosmetology shall adopt final regulations to implement the provisions of this act to be effective on or before July 1, 2007.

<http://leg1.state.va.us/cgi-bin/legp504.exe?051+ful+CHAP0829>

**§ 54.1-201. Powers and duties of regulatory boards.**

The powers and duties of regulatory boards shall be as follows:

5. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-201>

**Purpose**

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.*

The Board proposes to promulgate regulations, 18 VAC 41-70-10 et seq., governing the licensure and practice of esthetics, schools, and spas as directed by Chapter 829 of the 2005 Acts of the Assembly.

The regulatory action is necessary to ensure minimal competence of esthetics practitioners. The regulatory action will establish qualifications for licensure, standards of practice, and requirements for maintaining licensure as a esthetician, master esthetician, school, or esthetic spa in the Commonwealth of Virginia. The regulatory action will also establish fees necessary to administer the licensure program in accordance with §54.1-113 of the Code of Virginia.

As directed by the 2005 General Assembly, the regulatory action is required to protect the health, safety and welfare of citizens of the Commonwealth. The regulations ensure that licensees have met qualifications that demonstrate minimum competency to protect the health, safety and welfare of citizens of the Commonwealth and ensure that health, sanitary and safety standards are adequate in schools and spas where esthetic services are being provided.

## Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.*

The Board developed regulations to implement a regulatory program for esthetics, consisting of licensing requirements and standards for estheticians and master estheticians as mandated by HB 2510 of the 2005 General Assembly session, in accordance with the provisions of § 54.1-201(5) of the Code of Virginia. In addition to establishing the requirements for licensure, these regulations were developed to ensure minimum competency and integrity of all licensees, and ensure that health, sanitation and safety standards are adequate in facilities where esthetic services are provided or taught.

These regulatory requirements include: 1) definitions of words and terms relative to the practice of providing esthetics services that will ensure that licensees understand the scope and limitations of their profession; 2) general requirements for obtaining a license to provide services as an esthetician or master esthetician or a certification to be an esthetics instructor or master esthetics instructor; 3) general requirements for obtaining a license to operate an esthetics spa; 4) general requirements for obtaining a license to operate school of esthetics; 5) detailed curriculum and performance requirements to include minimum clock or credit hours acceptable to sit for the board approved examination; 6) fees for initial, renewal, and reinstatement applications for estheticians, instructors, esthetics spas, and schools of esthetics; 7) sanitation and safety standards for esthetics spas and schools of esthetics that address disinfection and storage of implements, sanitation of equipment, and safety standards.

## Issues

*Please identify the issues associated with the proposed regulatory action, including:*

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

*If there are no disadvantages to the public or the Commonwealth, please indicate.*

The primary advantage of the proposed regulatory action is that it establishes the licensing requirements for the specialized practice of esthetics. The proposed regulatory action will be an advantage to the public in that it provides clear and effective regulations to ensure competency and integrity and prevent deceptive or misleading practices by individuals providing esthetician and master esthetician services.

There are no disadvantages to the public, the Agency, or the Commonwealth with regards to regulations governing the licensure and practice of estheticians and master estheticians.

**Changes made since the proposed stage**

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
18 VAC 41-70-20. A 5	5. <u>The applicant shall provide evidence satisfactory to the board that the applicant has passed the board-approved examination administered either by the board or by independent examiners.</u>	5. <u>The applicant shall provide evidence satisfactory to the board that the applicant has passed the board-approved examination [requirement] administered either by the board or by independent examiners.</u>	To clarify that an applicant must complete the entire board-approved-examination requirement not necessarily a single examination.
18 VAC 41-70-20. B 1	1. <u>Training in the Commonwealth of Virginia. Any person completing an approved esthetics training program or a master esthetics training program in a Virginia licensed esthetics school, or a Virginia public school’s esthetics program approved by the state Department of Education shall be eligible for the applicable examination.</u>	1. <u>Training in the Commonwealth of Virginia. Any person completing an approved esthetics training program or a master esthetics training program in a Virginia licensed esthetics school [<del>or</del> <b>a Virginia public school’s esthetics program approved by the state Department of Education</b>] shall be eligible for the applicable examination.</u>	Revision to 18 VAC 41-70-20 B 1 to be in accordance with § 54.1-701 of the Code of Virginia which does not include schools of esthetics in public schools.
18 VAC 41-70-40. A	A. <u>Applicants for initial licensure shall pass both a practical examination and a written examination approved by the board. The examinations may be administered by the board</u>	A. <u>Applicants for initial licensure shall [<del>pass both a practical examination and a written meet the</del>] examination [requirement] approved by the board. The</u>	To clarify that an applicant must complete the entire board-approved-examination requirement not necessarily a

	<u>or by a designated testing service.</u>	<u>examinations may be administered by the board or by a designated testing service. [The Board maintains discretion in determining the license requirements.]</u>	practical and written examination. Clarifying the Board’s authority to maintain discretion in determining the license requirements
<u>18 VAC 41-70-190. B</u>	<u>B. The esthetics curriculum and hours of instruction shall consist of 600 hours or equivalent credit hours and shall include, but not be limited to, the following:</u>	<u>B. The esthetics curriculum and hours of instruction [in this technology] shall consist of 600 hours or equivalent credit hours and shall include, but not be limited to, the following:</u>	Clarifying that the focus of the instruction is the current technology of esthetic services.
<u>18 VAC 41-70-190. C</u>	<u>C. The master esthetics curriculum and hours of instruction shall consist of 600 hours or equivalent credit hours and shall include, but not be limited to, the following:</u>	<u>C. The master esthetics curriculum and hours of instruction [in this technology] shall consist of 600 hours or equivalent credit hours and shall include, but not be limited to, the following:</u>	Clarifying that the focus of the instruction is the current technology of esthetic services

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
Gloria Rose His and Her Salon Midlothian, VA 23114	Concern was the licensure of person who have been working, what an unexpired license means, how to document the work experience, whether they would still have to take the exam. The regulations do not explain clearly how currently practicing estheticians may obtain licensure in Virginia, but does clearly explain licensure requirements for individuals outside of Virginia.	§ 54.1-703.3 of the Code of Virginia states provisions to obtain a license by waiver of the exam.
Robert Bohannon American	Concern is the increase of the practice of medicine by non-physicians in an unsupervised environment. Number one because dermatologists provide a lot of	§ 54.1-700 of the Code of Virginia, the definition of esthetics includes ‘However,

<p>Academy of Dermatology Association Washington, DC 20005</p>	<p>esthetic and cosmetic treatments. And many dermatologists also employ estheticians and that the line between cosmetics and medicine become blurred and without explicit writings in the law or statutes, it can be very ambiguous.</p> <p>The Academy has two areas of policy: (1) anything that penetrates or affects the living layers of tissue of the skin, such as the use of lasers treatments, light-based treatments, injections, chemical peel. (2) the use of non-physician personnel, physician assistants, nurses, nurse practitioners, cosmetologists, estheticians, and medical assistants should be supervised by a physician for the safety of the patient as well as the provider.</p> <p>Part IV on page 24, Standards of Practice. This section only addresses the chemical exfoliation process and all areas are not mention and should be tighten to be more specific.</p>	<p>"esthetics" is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic. The terms "healing arts," "practice of medicine," "practice of osteopathic medicine," and "practice of chiropractic" shall mean the same as those terms are defined in § 54.1-2900.'</p> <p>The practice of medicine is under the authority of the Virginia Board of Medicine. Complaints concerning persons unlawfully practicing medicine should be submitted to the Board of Medicine.</p> <p>Part IV of the esthetics regulations does not define the scope of practice. The section states the responsibility of salon and schools to ensure that licensees and student do not exceed the scope of practice as defined in the Code of Virginia.</p>
<p>Jade Zillig Virginia Beach, VA 23452</p>	<p>Concerns with the schooling and credit hours and asked the Board to take a closer look at other state boards' requirements in order for Virginia to set a standard of excellence to model the regulations after other successful state boards.</p> <p>Recommended that those individuals already practicing esthetics take a class and not whole course to obtain the master level.</p>	<p>The Board agrees that regulations in other states would be helpful in the development of Virginia's regulations. Research of other state's regulations was included in the development of the proposed regulations.</p> <p>For persons who have esthetics work experience, § 54.1-703.3 of the Code of Virginia states provisions to obtain a license by waiver of the exam. Persons who meet the qualifications do not have to take a course.</p>
<p>Nell Strecker Yvonne de Vilar Scientific Skin</p>	<p>Comment on need for additional language in 18 VAC 41-70-20. General requirements. Including: A.1. add that the applicant has to disclose at the time</p>	<p>Other professions licensed by the Board for Barbers and Cosmetology may not have an</p>

<p>Care, Ltd. Aesthetic Salon &amp; School Vienna, VA 22180</p>	<p>of application whether licensed for any of the licensed professions regulated by the Board for Barbers and Cosmetologists.</p> <p>B.1. adding and/or The State Counsel of Higher Education in Virginia,</p> <p>Including processing applications before law and regulations go into effect.</p> <p>Applicants working before issuance of temporary permit.</p> <p>Not approving online courses.</p> <p>Persons who hold Virginia Waxing Instructor’s licenses or Cosmetology Instructor’s licenses, who have at least 1 year of experience teaching esthetics will be granted Esthetics Instructor’s licenses.”</p> <p>18 VAC 41-70-299. Practical performance requirements.</p> <p>Definitions of some words should become part of these regulations. 2 which come to mind are: exfoliations and peel.</p> <p>That regulations make a clear distinction between the Scope of Practice of a Master Esthetician and a Nurse or Medical Practitioner</p> <p>Adhere to each new edition of <u>Milady’s Comprehensive Training for Estheticians.</u></p> <p>Having more general descriptions of Esthetic Technology]</p> <p>Adding Continuing Education.</p> <p>You have my support in requiring both Tiers to have 600 hours.</p>	<p>association with the esthetics license and this information would not rise to the level of disclosure on the application.</p> <p>Revision to 18 VAC 41-70-20 B 1 to be in accordance with § 54.1-701 of the Code of Virginia which does not include schools of esthetics in public schools.</p> <p>Applications can not be processed until statues and regulations are in effect.</p> <p>The period of time to work under a temporary permit is sufficient for a person to receive the license after passing the examination.</p> <p>To ensure that students are receiving education and training that meets Virginia’s regulations, a school must not teach courses until the school license has been issued.</p> <p>Curriculum for waxing and cosmetology is not the same as esthetics; therefore a person would not qualify as an esthetics instructor license by virtue of holding a waxing or cosmetology instructor license.</p> <p>The practice of medicine is regulated by the Virginia Board of Medicine. Persons performing services under the responsibility and supervision of a physician is performing these service as part of the physician’s practice and therefore under the authority of the Board for Medicine. As such, the complaint would be filed on the licensed physician with the facts specifying the</p>
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<p>Valerie Johnston Skin Medica, Inc. Stafford, VA 22554</p>	<p>Concern is that in the offices she visits the staff is not licensed estheticians or certified estheticians; they are individuals who are interested in the profession because of the high demand of esthetic services.</p> <p>Concerns regarding the two-tier licensure it is over burdensome and many of the services in the master level are being performed currently under a physician license. The proposed requirements are a hardship for these individuals. The hour requirement is excessive, costly, and unnecessary. The average hour requirement is around 600 hours and the 1200 hour requirement being proposed is her biggest proponent.</p>	<p>Effective July 1, 2007, the Code of Virginia mandates the persons providing esthetics services as defined in Section 54.1-700 and not exempted in Section 54-1-701 must be licensed.</p> <p>Persons performing services under a physician are under the regulatory authority of the Virginia Board of Medicine and not the Board or Barbers and Cosmetology.</p> <p>The education hours were determined to provide competency in all the modalities as defined in Section 54.1-700 of the Cod of Virginia in order to protect the public.</p>
<p>Rebecca Bowers-Lanier Virginia Massage Therapy Association Richmond, VA 23223</p>	<p>(1) The massage of the hands and feet; a common practice of esthetics during a facial it is not clearly addressed in the proposed esthetics regulations.</p> <p>(2) Lymphatic drainage requires separate certification and should be addressed in more detail.</p> <p>(3) It appears that body treatments are a boundary issue for massage therapists and body workers. The definition of massage therapy in the <i>Code of Virginia</i> does not appear to exclude massage therapist from performing this service.</p> <p>Address the issue skin tests for those eligible to grandfather the esthetics licensure.</p>	<p>Section 18 VAC 41-70-190. B 5 c directs that instruction in facial effleurage and manipulations is required.</p> <p>Amendments to the Code of Virginia must be enacted by the General Assembly.</p> <p>In interpreting the definition, it should be determined whether esthetic services are included in the massage therapy certification not whether esthetic services are excluded.</p> <p>Section 54.1-703.3 of the Code of Virginia states provisions to obtain a license by waiver of the exam.</p>
<p>Elaine Sauer Red Door Spa Chicago, IL</p>	<p>Their estheticians have gone through school and are well trained, especially through microderm services, which is a very standard procedure in spas.</p> <p>Many of the procedures regulated under the master level licensure, clients can purchase over the counter and perform this service at home, such as glycolic peels and microdermabrasion and the proposed</p>	<p>Regulations are developed to establish competency for persons who provide these services for compensation.</p>

	<p>esthetics regulations is making it a master level procedure, which is a great concern.</p>	
<p>Kim Thumel SVSS</p>	<p>A lot of thought was put into the Bill and it was voted on by delegates and senators with regard to testing. And although the proposed esthetics regulations do address specifically the details of testing it is very important to note that the delegates wanted to raise Virginia to a new level.</p>	<p>Revisions made to 18 VAC 41-70-40 A</p>
<p>Cathy Embrey Studio Stephens City, VA 22655</p>	<p>I. The proposed regulations too detailed and specific, telling what I need to be proficient, but also specifically what techniques, tools and in some cases what products to use. By being so specific the regulations are going to have to be updated constantly with each product or equipment announcement.</p> <p>II. 1200 hours is way out of line. All of the adjoining states to the Commonwealth have 600 hour programs as do the majority of states within our union. The NCEA standards of 600 hours as a way of supporting this statement. Supporting a 400 basic and 200 master level program.</p> <p>III. The way the bill was presented to the Senate and now later the regulations make it impossible for a professional esthetician to continue in her practice even with grandfathering unless she is trained in every aspect of skin care, beautification and restoration.</p> <p>IV. Like to make sure that chemical exfoliation is being handled correctly. Make sure that there are stiff penalties for estheticians using jessner products and other products like it incorrectly and outside of the law and scope of manufacturer's recommendation.</p> <p>V. Believe there needs to be specific guidelines in regards to the drugs classifications that we can have access to.</p> <p>VI. Section C4 needs clarification. Believe again the regulations are too specific telling what type of microdermabrasion I can do.</p> <p>VII. Also in C4 dermaplaning is not mentioned in the law.</p> <p>VIII. Section C5 for chemical exfoliation. Concerned that we are using the word peel which implies medical peels at 70% acid verses chemical exfoliation which is the approved 30% for estheticians.</p>	<p>The regulations developed to assure competency in regard to § 54.1-700 of the Code of Virginia.</p> <p>§ 54.1-700 of the Code of Virginia, the definition of esthetics includes esthetics is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic.</p> <p>Spas with clinic areas that receive compensation must identify the services are being preformed by students as part of their training.</p> <p>§54.1-704.1 states license requirement for esthetics spa.</p> <p>For persons who have esthetics work experience, § 54.1-703.3 of the Code of Virginia states provisions to obtain a license by waiver of the exam.</p> <p>Theory portion of education and training may be accessible online.</p>

	<p>IX. Also 5C states that we should have training on ultrasound. Gravely concerned at this. Ultrasound is supposedly medical equipment which means most estheticians are buying old used machines without the safety features of the new.</p> <p>X. Also in section 5B there is mention of light and IPL treatments, feel this needs to be clearly defined as cosmetic use and no medical equipment is to be purchased.</p> <p>XI. Also in section 5 on anti aging they did not address peptides and actually seem to endorse only those products that support acid. The general regulations need to be broader, less name or venue specific while stating the clear intent to protect the public.</p> <p>XII. No mention throughout the regulations that the schools need to be training the students on a minimum of three lines of product one which should be of pharmaceutical grade product.</p> <p>XIII. Schools should also not be allowed to compete with spas by conducting an open salon/spa environment.</p> <p>XIV. Lymphatic drainage is a concern. The regulations should be rewritten to limit the esthetician to use of gentle lymphatic drainage to the face and neck with proper contraindication training even for that. Ensure to protect the public that an esthetician cannot do under this license lymph compression wraps apply tools or devices to the body for treatment (i.e. Reed Sleeves, Job Stockings)</p> <p>XV. Master level should be trained and certified in specific usage of the advanced equipment.</p> <p>XVI. That one/two women shops would have to have two licenses. Continuing education must be addressed</p> <p>XVII. Must be clearly spelled out how many hours can be obtained on-line or in distant learning programs and how much needs to be hands on practicum and live observation.</p> <p>XVIII. Grandfathering need to ensure that all professional estheticians currently practicing in their modalities can continue to due so.</p> <p>XVIX. If reading the law correctly an esthetician cannot do laser.</p>	
<p>Kathleen Skretvedt</p>	<p>Concern is the grandfathering, which permits anyone who has three years of documented work</p>	<p>§ 54.1-703.3 of the Code of Virginia states provisions to</p>

<p>Bioelements Learning Center Midlothian, VA 23112</p>	<p>experience to call themselves estheticians. Would like to see some type of qualifying for the three years, how were they trained, who trained them, and what their qualifications are. Three years may document practical experience but theory should also be considered and verified for the grandfathering.</p>	<p>obtain a license by waiver of the exam.</p>
<p>Mare Scott Raphine, VA 24472</p>	<p>Feel that a 1200 hour program is not necessary for the Master Esthetician status. 600 hours for the Basic Esthetician training is adequate, with an additional 100 hours offered to practice as a Master Esthetician would make sense. The Board may not realize that there is an intermediate level of training in esthetics called the CIDESCO status. In this program, the students must under go a course of 1200 hours. Would not make sense, that in order to perform basically 3 more services, microdermabrasion, chemical peels, and lymphatic drainage, that a student would need the same amount of training is required by the highest achievement in esthetics, not to mention the financial burden on potential Master Estheticians.</p>	<p>The regulations developed to assure competency in regard to § 54.1-700 of the Code of Virginia.</p>
<p>Cathie Hilton, President Anti-Aging Solutions, Inc Norfolk, VA 23508</p>	<p>Like to see the schools truly give better education and be under close scrutiny to ensure that they are delivering the quality of education that the aestheticians and public deserve.</p> <p>Continuing education and the grandfathering clause need to be addressed.</p> <p>Sanitation needs to be addressed and enforced.</p> <p>I. Find the proposed regulations too detailed. Refer to the NCEA guidelines for a broad list of guidelines.</p> <p>II. The 1200 hours program proposed is too excessive. Recommend a 200 hour esthetician and 400 hour master level program.</p> <p>III. Estheticians currently working with three years of experience need assurance that they will be grandfathered into the new law.</p> <p>IV. The law needs to be reviewed on two counts first we need to ensure that the law protects the public with the classification of drugs one through six. Also we need to allow a non-master esthetician to perform acid exfoliation.</p> <p>V. Because the regulations are so specific by singling out a particular brand of product and modality of chemical exfoliation, I believe we also need to ensure that the public is protected from</p>	<p>The regulations developed to assure competency in regard to § 54.1-700 of the Code of Virginia.</p> <p>§ 54.1-703.3 of the Code of Virginia states provisions to obtain a license by waiver of the exam.</p> <p>Amendments to the Code of Virginia must be enacted by the General Assembly.</p> <p>§54.1-704.1 states license requirement for esthetics spa.</p> <p>Electrolysis is not contained in § 54.1-700 of the Code of Virginia.</p> <p>VA non-master esthetician is able to wax without obtaining a separate license.</p>

	<p>miss-use of product outside the scope of manufacturer specifications. There should be appropriate penalties especially with the use of Jessner product.</p> <p>VI. In section C4 dermaplaning is not mentioned in the law and Concerned that using a scalpel or razor/blade could be considered a medical procedure.</p> <p>VII. Section C5 for chemical exfoliation. Concerned that we are using the word peel which implies medical peels at 70 % acid versus an esthetic chemical exfoliation.</p> <p>VIII. Also 5C states that we should have training on ultrasound. Please refer to the NCEA standards. Esthetic procedures using ultrasound are not FDA approved.</p> <p>IX. Also in section 5B there is mention of light and IPL treatments. There also needs to be a clear delineation between esthetic IPL and when a medical director is required versus a medical procedure that should be performed by a physician.</p> <p>X. There is no mention throughout the regulations that the schools need to be training the students on a minimum of three lines of product. Schools should not be allowed to use manufacturer sales representatives as educators.</p> <p>XI. Section 6 lymphatic drainage. The regulations should be rewritten to limit the esthetician to use of gentle lymphatic drainage to the face and neck with proper contraindication training.</p> <p>XII. Small one/two women shops will be required to have two licenses. Maybe a one woman shop can just apply for the one license?</p> <p>XIII. Does this new law require any person that practices electrolysis must be master?</p> <p>XI. VA non-master esthetician should be able to wax without obtaining a separate license.</p>	
<p>Lynn L. Pickett Margo Wright Ruth Robinson Cynthia Skillman Christy Brown Julie Ingalls Shae Rothwell Shari Weniger Ashly Keeter</p>	<p>Petition: Enforcing a 600 hour program would be both time and cost prohibitive for the majority of students. A great part of the proposal is both repetitive and redundant. Prospective Master Estheticians would be better served by offering them the opportunity of taking the master curriculum in modular form.</p>	<p>The regulations developed to assure competency in regard to § 54.1-700 of the Code of Virginia.  Courses may be developed in modular form.</p>

<p>Arsha Facey                  Julie Landman-Humes                  Lisa Poston                  Lauren Jernigan                  Kayla Dunster                  Anne C. Hinders                  Lara Buquor                  Jennifer Lippincott                  Sarah Saunders                  Renesia Boyd                  Odessa Dean                  Megan Dean                  Donna Busellen                  Kimberly Stahl                  Kathy Bisal                  Kate Perimo                  Debbie Tuman                  Jade R. Zillig                  Sru Hpus RN                  Chris Young                  Kathleen Skretvedt                  Sarah Ruben                  Sharon Meg                  Lois Si                  A O Tmbree                  Sandra Shaw                  Margo Wright                  Valerie Johnston                  Margaret La Peirre                  Cathy Embrey                  (if the 1200 hour program is approved)                  Elaine Saurer                  Heather Weber                  Melissa Elliott                  Lisa A. Forrest                  Stephanie M</p>		
<p>Lois Simonson                  Midlothian, VA                  23114</p>	<ol style="list-style-type: none"> <li>1. Grandfathering in as a Master Esthetician if you have been practicing more than 3 years.</li> <li>2. 600 hours is all that needed total. Does not believe a 1200 hour program is necessary. Recommend 400 for esthetician and 200 additional for Master level. Every state surrounding Virginia has recently upgraded its</li> </ol>	<p>§ 54.1-703.3 of the Code of Virginia states provisions to obtain a license by waiver of the exam.</p> <p>The regulations developed to assure competency in regard to § 54.1-700 of the Code of</p>

	<p>requirements to 600 and they would have reciprocity with us at 600 hours. If the majority of states in the USA have 600 hours as their level of competency to protect the public we don't need more. Purpose of the law is to protect the public.</p> <p>3. Medical procedures need to be reviewed for scope of practice and functional use by an esthetician.</p> <p>4. Continuing education credits need to be available from a broad source of providers including medical, business, ethics, massage, and esthetics.</p> <p>5. We need to insure that all basic estheticians can do waxing and that no additional training or licensure would be required.</p> <p>6. A separate Spa Licensure should not be required unless you have employees.</p>	<p>Virginia.</p> <p>§ 54.1-700 of the Code of Virginia, the definition of esthetics includes esthetics is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic.</p> <p>Esthetician is able to wax without obtaining a separate license.</p> <p>§54.1-704.1 states license requirement for esthetics spa.</p>
<p>Sharon Mueller Licensed Esthetician Midlothian, VA 23113</p>	<p>Concerned about medical peels and procedures falling under the Estheticians Scope of Practice. Concerned whether or not Estheticians/Master Estheticians, who have dedicated themselves to the practice of Esthetics, will be assured of Grandfathering in and not be forced to close their practices. Proposed regulations to be less product specific and allow a two-tier, 400 hour Esthetics, 200 hour Master Esthetics program.</p> <p>Supports licensure for Estheticians who have completed a training program, passed both written and practical State Board exams, and hold a current Estheticians License in another state.</p> <p>Subsection A: Independent Licensed Estheticians without employees should not be required to obtain a spa license.</p> <p>Subsection B&amp;C: 1200 hours is excessive. All adjoining states to the Commonwealth have 600 hour programs as do the majority of states within our union. This has proven effective in protecting the public without undue hardship to Estheticians while allowing reciprocity. Support a 400 basic and 200 master level program.</p> <p>Subsection B8: Hair removal; chemical, mechanical, tweezing, waxing; should be included in the Esthetician License without requiring a separate waxing license.</p> <p>Subsection C4 &amp; C5: The proposed regulations make it impossible for a Master Esthetician to continue practicing, even with grandfathering, unless we are trained in every modality. We can't</p>	<p>The regulations developed to assure competency in regard to § 54.1-700 of the Code of Virginia.</p> <p>18 VAC 41-70-30. License by endorsement.</p> <p>§ 54.1-704.1 states license requirement for esthetics spa.</p> <p>Esthetician is able to wax without obtaining a separate license.</p> <p>§ 54.1-703.3 of the Code of Virginia states provisions to obtain a license by waiver of the exam.</p> <p>§ 54.1-700 of the Code of Virginia, the definition of esthetics includes esthetics is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic.</p>

	<p>practice Master Esthetics without training on advanced equipment/procedures. As proposed, this law will drive many independent practitioners out of business. Support individual modules, to allow Master Estheticians to continue practicing in their area of expertise, adding other modules only as needed.</p> <ul style="list-style-type: none"> <li>▪ Subsection C4: Dermaplaning by use of a scalpel blade is beyond the Estheticians scope of practice.</li> <li>▪ Subsection C5: Jessner &amp; Trichloroacetic Acid Peels reach beyond the epidermis. These are medical peels that should be administered by or under physician supervision. Support the use of Modified Jessner &amp; Modified Trichloroacetic Acid as well as AHA, BHA, Enzyme, herbal, vitamin, and other chemical exfoliation by Master Estheticians following manufacturer guidelines and contraindications.</li> <li>▪ Section C5: IPL and Ultrasound are medical procedures that should be administered by or under physician supervision. Support use of LED, Electric treatments and Microcurrent for cosmetic treatment by Master Estheticians.</li> <li>▪ Subsection C6: Lymphatic Drainage on the trunk and upper/lower extremities is a medical procedure that should be administered by or under physician supervision. Support lymphatic drainage on the face and neck by Master Estheticians for cosmetic treatment.</li> <li>▪ Grandfathering should be awarded to all Estheticians and Master Estheticians who are certified or licensed by another state with 3 years or more experience and in good standing without convictions.</li> </ul>	
<p>Alastair Carruthers, FRCPC American Society for Dermatologic Surgery Rolling Meadows, IL 60008</p>	<p>A primary area of concern is the Scope of Practice section of the proposal regulations. This section states the “Each licensed spa or school shall ensure that no licensee or student perform any service beyond the scope of practice for the esthetician or master estheticians license.” Yet the section does not specify what services are beyond the esthetician’s scope. Standards for use of an exfoliator or concentration acids used by a licensed master esthetician is the only other subject addressed in the Scope section.</p> <p>The current language is overly-broad and unsatisfactory in establishing detailed scope of</p>	<p>Part IV of the esthetics regulations does not define the scope of practice. The section states the responsibility of salon and schools to ensure that licensees and student do not exceed the scope of practice as defined in the Code of Virginia.</p> <p>The regulations developed to assure competency in regard to § 54.1-700 of the Code of Virginia.</p>

	<p>practice limits for estheticians. The way the language is currently worded not only would allow estheticians to perform simple cosmetic procedures, like chemical exfoliation, but would also allow them to perform more invasive procedures that can alter or damage living tissue. The Society views these types of procedures as the practice of medicine.</p> <p>It is the Society’s recommendation that the Board modify this section to limit an esthetician from performing procedures which can alter or damage living tissue which is considered the practice of medicine.</p> <p>Another area of concern is the Curriculum and Hours of Instruction Requirements section which specifically lists areas of instruction that would be required for esthetics programs. Concerns with the following curriculum subjects listed in this section:</p> <ul style="list-style-type: none"> <li>a. Advanced skin analysis and consultation and health screening documentation;</li> <li>b. Advanced procedures, light treatments, light-emitting diode (LED), intense pulsed light device (IPL);</li> <li>c. Advanced manual, machine, and electric treatments, microcurrent, ultrasound;</li> <li>d. Introduction to chemical exfoliation and peels of the epidermis.</li> </ul> <p>Not opposed to the delegation of these procedures to estheticians as long as such procedures are performed by an appropriately trained estheticians under direct physician supervision.</p> <p>ASDS policy states that under the appropriate circumstances, a physician may delegate certain procedures to certified or licensed non-physician office personnel.</p>	<p>§ 54.1-700 of the Code of Virginia, the definition of esthetics includes esthetics is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic.</p>
<p>Faith Riley Total ChangeZ School Of Cosmetology via VA Regulatory Town Hall</p>	<p>Esthetics are a lot like a cosmetology they need to have as many hours or more GA. Has an esthetician program they have 2000 hours and they have a step by step Curriculum of what is needed to get an Esthetics licenses. As a school would want the best for my students and would want the state to want the best in this field. Lot of what is needed in Esthetics is what we make cosmetology get in their Curriculum</p>	<p>The regulations developed to assure competency in regard to § 54.1-700 of the Code of Virginia.</p>
<p>Chanel Mathis, Ohm Spa Sanctuary</p>	<p>300-500 hours is proper for the basic esthetician license and an additional 300-500 hours for the Masters License.</p>	<p>The regulations developed to assure competency in regard to § 54.1-700 of the Code of</p>

<p>via VA Regulatory Town Hall</p>	<p>Microderm and Glycolic, Beta Hydroxy &amp; Alpha Hydroxy treatments should be included in the basic license. Treatments such as Jessner, TCA, laser, and mid-high grade chemical peels should be for the Master Level Esthetician. In addition, I think it is totally ridiculous to propose that Estheticians can not do body treatments.</p> <p>Make sure that the amount of hours and rules are fair to everyone and not for schools to make more money and other practices.</p>	<p>Virginia.</p>
<p>Red Door Spa in Reston via VA Regulatory Town Hall</p>	<p>Concern for the consideration of categorizing Microdermabrasion and Glycolic Services as a medical grade offering that would require additional schooling. It unfortunately seems as a great way for the schools to make additional money that clearly is not necessary and long term they will be on the only ones truly benefiting from this change. Those of us who have been providing these services to our guests already, will be deeply affected. It will portray us as less than trustworthy in the services that we provide or as if what we had provided our guests in the past was not an adequate service. In the world of today where you can buy glycolics and microderm kits at your local Wal-mart, it makes no sense not to allow a licensed professional to provide these services in a safe controlled environment. Clearly some services should only be performed by those with extensive training and a higher level of licensing, but these two services are not the ones. We have not experienced complications performing these services, and only allow those who are properly trained to even be capable to offering them to our guests. Please reconsider this change to the law.</p>	<p>The regulations developed to assure competency in regard to § 54.1-700 of the Code of Virginia.</p> <p>Amendments to the Code of Virginia must be enacted by the General Assembly.</p>
<p>Shahnaz Hosseini via VA Regulatory Town Hall</p>	<p>As an esthetician, should not take away the microdermabrasion and glycolic services.</p>	<p>Amendments to the Code of Virginia must be enacted by the General Assembly.</p>
<p>Cherry via VA Regulatory Town Hall</p>	<p>Propose the following: - there should be licensing for estheticians, 600 hours - glycolic, alpha hydroxy, beta hydroxy and microderm should be part of the basic license - laser treatments, medical microdermabrasion, TCA and Jessner peels should require more schooling and</p>	<p>The regulations developed to assure competency in regard to § 54.1-700 of the Code of Virginia.</p> <p>§ 54.1-703.3 of the Code of Virginia states provisions to obtain a license by waiver of</p>

	<p>additional licensing Those of us with 3 years of experience were to apply to be grandfathered to receive a masters license.</p>	<p>the exam.</p>
<p>Mayulee Nelson, Esthetician Red Door Spas Fairfax Corner Fairfax, VA 22030 via VA Regulatory Town Hall.</p>	<p>Writing this email because very concerned on this new law that might be passed. Question is why can't we be grandfathered in?</p>	<p>§ 54.1-703.3 of the Code of Virginia states provisions to obtain a license by waiver of the exam.</p>
<p>Licensed esthetician via VA Regulatory Town Hall</p>	<p>Commented that the law has already passed and the public comment is for proposed regulations. Comment: Waiver of Examination should be as defined in Code of Virginia.</p>	<p>Concur.</p>
<p>Already a Licensed Esthetician via VA Regulatory Town Hall</p>	<p>Individuals who are allowed an exemption through waiver of examination should only be granted this waiver when they have been performing 100% of the modalities.</p>	<p>§ 54.1-703.3 of the Code of Virginia states provisions to obtain a license by waiver of the exam.</p>
<p>Linda Woodley SCHEV via VA Regulatory Town Hall</p>	<p>18 VAC 41-70-20 (B)(1) requires a student to have attended a school approved by the Virginia Board of Education before being eligible to seat for licensure. The Virginia Board of Education no longer regulates esthetic postsecondary institutions. The State Council of Higher Education for Virginia (SCHEV) was transferred regulatory authority as of 7/1/04. Please change the language in this section to require the student to have completed their instruction at a school certified to operate by SCHEV.</p>	<p>Revision to 18 VAC 41-70-20 B 1 to be in accordance with § 54.1-701 of the Code of Virginia which does not include schools of esthetics in public schools.</p>
<p>K. Christian via VA Regulatory Town Hall</p>	<p>Concern is that by requiring an additional 600 hours for a Master Aesthetician license the state will be making it impossible and too limiting for aestheticians to earn a living. I feel that requiring 600 hours for a basic aesthetician license is a step in the right direction but lets take it one step at a time.</p>	<p>The regulations developed to assure competency in regard to § 54.1-700 of the Code of Virginia.</p>
<p>Esthetician via VA Regulatory</p>	<p>Attended both a 600/600 hour (basic/master) esthetics program and a 300/300 hour program, both in Virginia. Learned more from the 300/300 hour</p>	<p>The regulations developed to assure competency in regard to § 54.1-700 of the Code of</p>

<p>Town Hall</p>	<p>program, their quality of education far surpassed the quality in the 600/600 hour program, in half the time and at more than half the cost. Agree that the state of Virginia needs esthetics regulations, but to go from having no licensure to one of the toughest in the nation is far too dramatic of a leap. Believe that if schools are providing quality' education then a 300 hour basic and a 300 hour master program would be sufficient, as most states surrounding Virginia require a total of 600 hours to perform all esthetic functions, including chemical peels and microdermabrasion.</p>	<p>Virginia.</p>
<p>Aesthetician via VA Regulatory Town Hall</p>	<p>Aestheticians won't have the option of going out of state for quality education because no other neighboring states even offer such programs.</p>	<p>§18 VAC 41-70-20 B 2 provide qualification from training outside of the Commonwealth of Virginia.</p>
<p>Lynn Phillips - Certified Lymphedema Therapist- Equilibrium Therapy LLC via VA Regulatory Town Hall</p>	<p>The proposed hour requirements that include lymphatic training reflect the same hour and course requirements for a licensed medical practitioner to work with the lymphatic system. Crossing over into a field that includes medical training implies that the schools of cosmetology are now equipped to train students without a medical background to perform a medical technique which in many cases can only be provided with a prescription.</p> <p>Requiring a master esthetician to accumulate the same number of hours as a Lymphedema Therapist with a medical background serves as a burden to the esthetician to get properly trained, and misleads the public into thinking that the training is the same as what Lymphedema therapists with a medical background receive.</p> <p>Propose that for skin care a basic understanding of lymphatic drainage is sufficient. Schools of cosmetology cannot expect to offer this aspect of training unless their own instructors are qualified in medical treatments and in particular certified in Lymphatic Instruction.</p> <p>Esthetics should not cross over into massage, or physical therapy.</p>	<p>The regulations developed to assure competency in regard to § 54.1-700 of the Code of Virginia.</p> <p>§ 54.1-700 of the Code of Virginia, the definition of esthetics includes esthetics is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic.</p>
<p>Margaret LaPierre via VA Regulatory Town Hall</p>	<p>An esthetician should not be denied a master license because an element might be missing from their education and/or work experience as stated in the definition of a "master esthetician."</p> <p>What is the definition of a spa? Why should a single esthetic practitioner have to pay a "spa" fee since</p>	<p>§ 54.1-703.3 of the Code of Virginia states provisions to obtain a license by waiver of the exam.</p> <p>§ 54.1-704.1 states license requirement for esthetics spa.</p>

	<p>they are already required to have a license (plus a fee) to practice?</p> <p>Prorating of Fees</p> <p>At present there is only a handful of schools that offer the master esthetics program. school instructors will see themselves having to go to those schools that currently offer the programs.</p> <p>The curriculum will seriously hurt many estheticians, spas/salons and schools if these regulations are adopted at 1200 hours beginning July 1, 2007. Am for two-tier licensure and 1200 hours but feel strongly that 1200 hours should be our ultimate goal and not our starting goal. All schools should be allowed to offer the master esthetician program in modules to allow estheticians currently in the workforce the ability to obtain their master license. Estheticians who are currently working will find it difficult to go back to school.</p> <p>Recommendation for establishing hours is as follows:</p> <p>July 1, 2007          Basic Esthetician Licensure – 400          Master Esthetician Licensure – 300</p> <p>July 1, 2009          Basic Esthetician Licensure – 600          Master Esthetician Licensure – 300</p> <p>July 1, 2011          Basic Esthetician Licensure – 600          Master Esthetician Licensure – 600</p> <p>The curriculums as stated in the proposed draft are too specific and should be written globally. Writing in too many specifics (i.e., equipment to be used, types of chemical peels and microdermabrasion crystals to be taught) should be left to the individual schools.</p> <p>Continuing education should be required.</p>	<p>18 VAC 41-70-140 = 2 years.</p> <p>The regulations developed to assure competency in regard to § 54.1-700 of the Code of Virginia.</p>
<p>Lynn L. Pickett—          Instructor          via VA          Regulatory          Town Hall</p>	<p>In favor of a good basic program (500-600 hours), feel it is unjust to expect students to do a further 600 hours for a Master program. View that such a Master's program, as now drafted, would not only negatively affect students' prospects, but would also cause problems of enforcement for the board.</p> <p>Feel that students would be better served by allowing them the right to choose the fields of expertise they wish to pursue, and that these</p>	<p>The regulations developed to assure competency in regard to § 54.1-700 of the Code of Virginia.</p> <p>Courses may be developed in modular form.</p>

	<p>adjuncts to their basic training be offered in modular form, with a certain amount of hours fulfilled in practical application. The draft crosses lines into other professions. For example, manual lymph drainage for the esthetician should be confined to the chest and face. Whole body manual lymph drainage is infringing on the profession of Massage Therapist.</p> <p>Ask that the board reconsider the 600 hour Master program and, instead, offer continuing education units.</p>	
<p>Debbie Wilson, Aesthetician via VA Regulatory Town Hall</p>	<p>That a two tiered 600 hours (300 each tier) is sufficient to achieve our objectives.</p>	<p>The regulations developed to assure competency in regard to § 54.1-700 of the Code of Virginia.</p>
<p>Lara C. Aesthetician via VA Regulatory Town Hall</p>	<p>The additional 600 for a master aesthetician license will only hurt current aestheticians. Feel the 600 hour requirement is a wonderful idea for the state of Virginia This clientele will be lost and incomes will drop if we can not do most of our treatments that will be require a master aesthetics license education? Aestheticians will not have a choice to go to a well known school out of state.</p>	<p>§ 54.1-703.3 of the Code of Virginia states provisions to obtain a license by waiver of the exam.</p>
<p>Vallee Skin Care Studio via VA Regulatory Town Hall</p>	<p>If you are a practicing Esthetician, then you are obtaining continuing education hours by attending Conferences, Additional Classes (held by Master Estheticians), and Experience with current clientele and so on. Don't think that stuffing us into a room with another text book for 600 hours is the answer!</p>	<p>§ 54.1-703.3 of the Code of Virginia states provisions to obtain a license by waiver of the exam.</p>
<p>Concerned Licensed Aesthetician via VA Regulatory Town Hall</p>	<p>Forcing us to go back to school to do what we are already doing is wrong. As a licensed aesthetician with a great education (that I had to get out of state) I will not be able to do most of the treatments that I currently do. Keep it at 600 hours. If the master aesthetics license is approved, will be forced to take my knowledge and business out of the state of Virginia.</p>	<p>§ 54.1-703.3 of the Code of Virginia states provisions to obtain a license by waiver of the exam.</p>
<p>Concerned Licensed Aesthetician via VA Regulatory Town Hall</p>	<p>The chart listed on website. Lists Virginia as requiring 1200 hours. Not aware that the number of hours has been officially decided.</p>	<p>Regulations are not final until they go into effect.</p>

<p>Linda A. Hansen Berryville, VA 22611</p>	<p>I. Find the proposed regulations too detailed. Refer to the NCEA guidelines for a broad list of guidelines.</p> <p>II. The 1200 hours program is too excessive. Recommend a 200 hour esthetician and a 400 hour master level program based on the way the law is currently written.</p> <p>III. Estheticians currently working with three years of experience need assurance that they will be grandfathered into the new law.</p> <p>IV. The law needs to be reviewed.</p> <p>V. Ensure that the public is protect from miss-use of product outside the scope of manufacturer specifications. There should be appropriate penalties.</p> <p>VI. In section C4 dermaplaning is not mentioned in the law.</p> <p>VII. Section C5 for chemical exfoliation. Concerned that we are using the word peel which implies medical peels at 70% acid verses an esthetic chemical exfoliation.</p> <p>VIII. Also 5C states that we should have training on ultrasound. Esthetic procedures using ultrasound are not FDA approved and esthetic products have a different chemical function than ultrasound gels.</p> <p>IX. Also in section 5B there is mention of light and IPL treatments I feel this needs to be clearly defined as cosmetic use and no medical equipment is to be purchased.</p> <p>X. There is no mention throughout the regulations that the schools need to be training the students on a minimum of three lines of product one which should be a pharmaceutical grade product and various types of equipment. Schools should not be allowed to use manufacturer sales representatives as educators.</p> <p>XI. Section 6 lymphatic drainage is also a concern. The regulations should be rewritten to limit the esthetician to use a gentle lymphatic drainage to the face and neck with proper contraindication training.</p> <p>XII. Small one/two women shops will be required to have two licenses.</p> <p>XIII. Does this new law require any person that practices electrolysis must be a master? A non-master esthetician should be able to wax without obtaining a separate license.</p>	<p>The regulations developed to assure competency in regard to § 54.1-700 of the Code of Virginia.</p> <p>§ 54.1-703.3 of the Code of Virginia states provisions to obtain a license by waiver of the exam.</p> <p>Amendments to the Code of Virginia must be enacted by the General Assembly.</p> <p>§ 54.1-700 of the Code of Virginia, the definition of esthetics includes esthetics is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic.</p> <p>§ 54.1-704.1 states license requirement for esthetics spa</p> <p>Esthetician is able to wax without obtaining a separate license.</p> <p>§ 54.1-704.1 states license requirement for esthetics spa.</p> <p>For persons who have esthetics work experience, § 54.1-703.3 of the Code of Virginia states provisions to obtain a license by waiver of the exam.</p>
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<p>Craig Hensle, M.D. President, Medical Society of Virginia</p> <p>Julia Konerding Pagett, M.D. President, Virginia Dermatological Society</p>	<p>A primary area of concern is the <i>Scope of Practice</i> section on page 24 of the proposed regulations. This language to be overly-broad and insufficient in establishing specific scope of practice boundaries for estheticians to follow. The current language does not provide an adequate distinction between esthetic services and procedures that constitute the practice of medicine.</p> <p>Propose the addition of language which would specifically exempt both physicians and nurses who work under the supervision of physicians from these regulations.</p>	<p>Part IV of the esthetics regulations does not define the scope of practice. The section states the responsibility of salon and schools to ensure that licensees and student do not exceed the scope of practice as defined in the Code of Virginia.</p> <p>§ 54.1-701 Exemptions. of the Code of Virginia includes these exemptions for physicians and nurses.</p>
<p>Justin Dudley Managing Partner SMOOTH EXPOSURE Fairfax, Virginia 22033</p>	<p>At the fundamental level, the initial proposed 600 hour training curriculum is a strange and unnecessary departure from the structure of today’s 600 hour esthetics training. The difference is (a) the inclusion of time-filling curriculum that has little to do with the practice of esthetics, and (b) the additional hours of training proposed for functions that have been covered previously in fewer hours.</p> <p>The proposed regulation for the basic esthetic license calls for an excessive amount of “instruction” in every area:</p> <p>Laws and Regulations – 10 hours. . General Sciences – 80 hours. Infection Control, Disinfection and Sterilization. Should be closer to 40 hours than 80 hours. Applied Sciences – 95 hours. 48 hours. Skin Care – 255 hours. If this is 255 hours of practical, real-world instruction, this could be appropriate. Makeup – 65 hours. 35 hours Body and Other Treatments – 20 hours. Hair Removal – 50 hours. Introduction, Business Topics, Laws &amp; Regulations 7 hours General Sciences 40 hours Applied Sciences 48 hours Skin Care 255 hours Makeup 35 hours Body Treatments 20 hours Hair Removal 45 hours Total 450 Hours</p> <p>The curriculum proposed in the Master Esthetician’s license is inflated and unnecessary. The most glaring example is the required 120 hours of</p>	<p>The regulations developed to assure competency in regard to § 54.1-700 of the Code of Virginia.</p> <p>Revised to indicate instruction in technology.</p> <p>§ 54.1-704.1 of the Code of Virginia directs licensure of spa.</p>

	<p>instruction in Lymphatic Drainage.</p> <p>The Master Esthetician curriculum is also inflated with the same “Orientation” instruction.</p> <p>10 hours mandated for “State Laws and Regulations”.</p> <p>Proposed mater esthetician’s curriculum is heavily oriented to chemical peels.</p> <p>Ninety hours proposed for microdermabrasion where most of the 12 sub-categories attempt to draw a distinction between the “crystal microdermabrasion” and the “crystal-free microdermabrasion.</p> <p>Suggest that the Master Esthetician curriculum consist of 300 hours of instruction specific to procedures like microdermabrasion and chemical peels.</p> <p>VAC-41-70-270 – Sanitation, subsection B(2), it states that “the floor surface in the immediate work area must be of a washable surface other than carpet. The floor must be kept clean, free of hair, dropped articles, spills and electrical cords.” This language is simply a regurgitation of much more detailed OSHA regulations.</p> <p>The proposed regulation document is filled with silly mandates like “Adequate lighting shall be provided (VAC-41-70-270, B(9) or section B(5), “General areas for client use must be neat and clean.”</p> <p>The board has not explained why this regulation is necessary.</p> <ul style="list-style-type: none"> <li>• The proposed regulations fail to account for changing technology and practices.</li> <li>• The proposed curriculum for a basic esthetician is excessive and unnecessary.</li> <li>• Having a 2<sup>nd</sup> tier of qualification (the master esthetician) is fine. Mandating another 600 hours of education, particularly when it includes irrelevant curriculum like Lymphatic Drainage, is excessive.</li> <li>• The cost of this excessive training requirement will ultimately increase the price of services for the consumer.</li> <li>• Duplicating OSHA and Health Department regulations is unnecessary and potentially confusing.</li> <li>• Proposed regulatory language attempts to micromanage the spa business.</li> </ul>	
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	<p>We suggest that board take the proposed regulation document and modify it to approximately 450 hours for a basic esthetician license and an additional 300 hours for a master esthetician. Language governing the operation of a spa be removed.</p>	
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**All changes made in this regulatory action**

*Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.*

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
N/A	<p><b><u>18 VAC 41-70-10.</u></b> <b><u>Definitions.</u></b></p>	N/A	<p>Defines the meaning of words and terms used within the chapter and establishes that all terms defined in § 54.1-700 et seq., of the Code of Virginia are incorporated into the chapter to provide understand to their meaning of words and terms used within the chapter.</p>
N/A	<p><b><u>18 VAC 41-70-20.</u></b> <b><u>General requirements for an esthetician license or master esthetician license.</u></b></p>	N/A	<p>Establishes the general requirements for licensure as an esthetician or master esthetician to provide licensure qualifications to persons interested in applying this sections establishes the general requirements for licensure as an esthetician, master esthetician, or esthetics instructor which include applicant qualifications and eligibility to sit for a board-approved examination and establishes qualifications for waiver of the examination for persons making application within one year after the effective date of this chapter.</p>
N/A	<p><b><u>18 VAC 41-70- 30.</u></b> <b><u>License by endorsement.</u></b></p>	N/A	<p>Sets forth the requirements for obtaining an esthetician license by endorsement to provide an option for licensure for person licensed in another jurisdiction, the section sets forth the requirements for obtaining a license by endorsement for applicants currently licensed to practice in another state or jurisdiction of the United States.</p>

N/A	<b><u>18 VAC 41-70-40.</u></b> <b><u>Examination requirements and fees.</u></b>	N/A	Sets forth the examination requirement that applicants for an initial esthetician license pass an examination and that any candidate failing to appear for an examination shall forfeit the examination fee to inform applicants concerning examination requirement and fees.
N/A	<b><u>18 VAC 41-70-50.</u></b> <b><u>Reexamination requirements.</u></b>	N/A	Requires any applicant who does not pass a reexamination within one year of the initial examination to submit new application and examination fee to inform applicants of examination timeframe.
N/A	<b><u>18 VAC 41-70-60.</u></b> <b><u>Examination administration.</u></b>	N/A	Establishes the requirements for the administration of the esthetics examination to include the procedure for setting fees for examination and reexamination and sets forth a standard of applicant conduct during the administration of an examination to provide applicants information concerning the administration of the examination.
N/A	<b><u>18 VAC 41-70-70.</u></b> <b><u>Esthetician temporary licenses.</u></b>	N/A	Sets forth the general temporary permit eligibility requirements to provide applicants requirements.
N/A	<b><u>18 VAC 41-70-80.</u></b> <b><u>Spa license.</u></b>	N/A	Establishes the requirements for obtaining an esthetics spa license in compliance with § 54.1-704.1 of the Code of Virginia.
N/A	<b><u>18 VAC 41-70-90.</u></b> <b><u>School license.</u></b>	N/A	Sets forth the requirements for obtaining a school of esthetics license in compliance with § 54.1-704.2 of the Code of Virginia.
N/A	<b><u>18 VAC 41-70-100.</u></b> <b><u>General requirements for an esthetics</u></b>	N/A	Sets forth general requirements for obtaining an esthetics instructor certification as schools are required to use certified instructors.

	<b><u>instructor certificate.</u></b>		
N/A	<b><u>18 VAC 41-70-110.</u></b> <b><u>General requirements for a master esthetics instructor certificate.</u></b>	N/A	Sets forth general requirements for obtaining a master esthetics instructor certification as schools are required to use certified instructors.
N/A	<b><u>18 VAC 41-70-120.</u></b> <b><u>Fees.</u></b>	N/A	Establishes initial, renewal and reinstatement application fees for individuals, spas, and schools that are licensed or certified under this chapter for all boards within the Department of Professional and Occupational Regulation must operate within the Code provisions of the Callahan Act (54.1-113), and the general provisions of 54.1-201.
N/A	<b><u>18 VAC 41-70-130.</u></b> <b><u>Refunds.</u></b>	N/A	Establishes that all fees are nonrefundable and shall not be prorated to inform persons of refund procedure.
N/A	<b><u>18 VAC 41-70-140.</u></b> <b><u>License renewal required.</u></b>	N/A	Prescribes the dates for renewal of esthetician, master esthetician, spa, and school licenses to inform that licenses are valid for two years.
N/A	<b><u>18 VAC 41-70-150.</u></b> <b><u>Notice of renewal.</u></b>	N/A	Sets forth the procedures for renewal, however, failure to receive this notice shall not relieve the licensee or certificate holder of the obligation to renew to inform persons of renewal procedures.
N/A	<b><u>18 VAC 41-70-160.</u></b> <b><u>Failure to renew.</u></b>	N/A	Sets forth the criteria and procedures for reinstatement in the event that a licensee or certificate holder fails to renew their license or certification to inform persons of reinstatement procedures.

N/A	<b><u>18 VAC 41-70-170.</u></b> <b><u>Applicants for school license.</u></b>	N/A	Establishes application requirement to inform person interested in apply for school license of the standard time frame for submitting an application.
N/A	<b><u>18 VAC 41-70-180.</u></b> <b><u>General requirements.</u></b>	N/A	Establishes general requirements for schools of esthetics to obtain a license under this chapter to inform applicants.
N/A	<b><u>18 VAC 41-70-190.</u></b> <b><u>Curriculum and hours of instruction requirements.</u></b>	N/A	Sets forth requirements for curriculum and hours of instruction for schools of esthetics.
N/A	<b><u>18 VAC 41-70-200.</u></b> <b><u>Practical performance requirements.</u></b>	N/A	Sets forth requirements for minimum practical performances to be included in the curriculum to provide performances determined necessary for the esthetics training programs
N/A	<b><u>18 VAC 41-70-210.</u></b> <b><u>School equipment.</u></b>	N/A	Sets forth requirements for equipment to ensure that equipment is available to properly administer esthetics training programs.
N/A	<b><u>18 VAC 41-70-220.</u></b> <b><u>School identification.</u></b>	N/A	Establishes that each licensed school of esthetics shall identify itself to the public as a teaching institution to communicate type of operation to public.
N/A	<b><u>18 VAC 41-70-230.</u></b> <b><u>Records.</u></b>	N/A	Sets forth requirements for maintenance and retention of records so student records are maintained and accessible.

N/A	<b><u>18 VAC 41-70-240.</u></b> <b><u>Hours reported.</u></b>	N/A	Establishes written report of completed hours and performances of each of its students who have not completed the program to provide notification of closing and status of current training.
N/A	<b><u>18 VAC 41-70-250.</u></b> <b><u>Scope of practice.</u></b>	N/A	Establishes responsibilities to ensure performance of services that are within the scope of practice.
N/A	<b><u>18 VAC 41-70-260.</u></b> <b><u>Display of license.</u></b>	N/A	Establishes that each spa owner or school owner shall ensure the proper display of all licenses and certificates issued by the board to inform clients of license status.
N/A	<b><u>18 VAC 41-70-270.</u></b> <b><u>Sanitation and safety standards for spas, and schools.</u></b>	N/A	Sets forth the sanitation and safety standards for spas and schools and establishes safety standards, the proper handling of blood spills, and client health guidelines to protect the health and safety of the public.
N/A	<b><u>18 VAC 41-70-280.</u></b> <b><u>Grounds for license revocation, probation, or suspension; denial of application, renewal or reinstatement; or imposition of a monetary penalty.</u></b>	N/A	Establishes the grounds for license revocation or suspension, denial of application, renewal or reinstatement, or imposition of monetary penalties for licensees or certificate holders.  To give direction on grounds for action by the Board.

**Regulatory flexibility analysis**

*Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum:*

*1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.*

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The regulations were developed with consideration that the esthetics industry consists of small businesses. The Board considers that the regulatory methods implemented were promulgated to accomplish the applicable law while minimizing the adverse impact on small businesses and are consistent with the regulation of small businesses of other professions regulated by the Board.

### Family impact

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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The proposed regulatory action is not expected to have any significant impact on Virginia's families. An analysis of the proposed regulatory action assesses that there should be no potential impact on the institution of the family and family stability in that it should not strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; should not encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; should not strengthen or erode the marital commitment; and may not increase or decrease disposable family income.